

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

THOMAS H. CLAY, ET AL.

§

VS.

§

CIVIL ACTION NO. 9:05cv131

TDCJ-ID

§

ORDER OF PARTIAL DISMISSAL

Co-Plaintiff Eric C. Wilturner, an inmate confined in the Texas prison system, was one of six inmates who filed the present lawsuit pursuant to the Religious Land Use and Institutionalized Persons Act of 2000. The complaint was referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation concluding that Wilturner's claims should be dismissed for failure to prosecute and failure to obey an order. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the claims by Co-Plaintiff Eric C. Wilturner are **DISMISSED** without prejudice. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas.

So **ORDERED** and **SIGNED** this **17** day of **August, 2005**.



Ron Clark, United States District Judge